**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN**

**FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929**

**WP(C).No. 36116 of 2004(Y)**
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**PETITIONER:**
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**GIREESH, AGED 27 YEARS,**
**S/O. GOPALAKRISHNAN, PLAMAN HOUSE, KARUMAN DESOM,**
**NEMAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.**

**BY ADV. SRI.C.S.MANU.**

**RESPONDENTS:**
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1. **STATE OF KERALA,**
   **REPRESENTED BY THE SECRETARY TO GOVT. OF KERALA,**
   **DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,**
   **THIRUVANANTHAPURAM**

2. **DISTRICT COLLECTOR,**
   **THIRUVANANTHAPURAM.**

3. **REVENUE DIVISIONAL OFFICER,**
   **THIRUVANANTHAPURAM.**

4. **GOPALAKRISHNAN NAIR, AGED 60 YEARS,**
   **S/O. SIVASANKARA PILLA, PLAMAN HOUSE,KARUMAN DESOM**
   **NEMAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.**

**<u>*ADDL. RESPONDENTS 5 TO 8 IMPLEADED:</u>**

***5. M. SASIKUMAR, SUBHADRA BHAVAN,**
**POOZHIKUNNU, INDUSTRIAL ESTATE.P.O.,**
**THIRUVANANTHAPURAM.**

***6. M. MOHANKUMAR,**
**SUBHADRA BHAVAN, POOZHIKUNNU,**
**INDUSTRIAL ESTAE.P.O., THIRUVANANTHAPURAM.**

**W.P.(C). NO.36116/2004:**

***7. K. PADMANABHA PILLAI,**
**PLAMKONATHU VEEDU, POOZHIKUNNU,**
**INDUSTRIAL ESTATE.P.O., THIRUVANANTHAPURAM.**

***8. G. KRISHNAN NAIR, PLAMONTHEKKATHIL VEEDU,**
**POOZHIKUNNU, INDUSTRIAL ESTATE.P.O.,**
**THIRUVANANTHAPURAM.**

***ADDL. RESPONDENTS 5 TO 8 ARE IMPLEADED AS PER ORDER DATED 07/02/2005 ON I.A. 938/2005.**

**BY ADV. SRI.M.SREEKUMAR.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C). NO.36116/2004:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P.1: COPY OF THE SETTLEMENT DEED DTD. 04/05/2002 EXECUTED BY GOPALAKRISHNAN NAIR IN RESPECT OF PROPERTY HAVING AN EXTENT OF 7.4 ARCS SITUATED IN RE-SURVEY NO. 666/7 OF NEMAM VILLAGE IN FAVOUR OF THE PETITIONER AND THREE OTHERS.**

**EXT.P.2: COPY OF THE LAND TAX RECEIPT DTD. 12/07/1994 BEARING NO. 67 ISSUED BY THE VILLAGE OFFICER, NEMAM.**

**EXT.P.3: COPY OF THE LAND TAX RECEIPT DTD. 06/12/1995 BEARING NO. 62 ISSUED BY THE VILLAGE OFFICER, NEMAM.**

**EXT.P4: COPY OF THE LETTER BEARING NO. S5-40712/2002 DTD. 25/05/2004 ISSUED BY THE R.2. TO THE R.3.**

**EXT.P.5: COPY OF THE ENQUIRY REPORT BEARING NO. S5-40712/2002 DTD. 15/03/2003 MADE BY SRI. C. JAGATHAPPAN, SENIOR SUPERINTENDENT, INSPECTION AND AUDIT, COLLECTORATE, THIRUVANANTHAPURAM.**

**EXT.P.6: COPY OF THE NOTICE BEARING NO. B 8185/04 DTD. 06/10/2004 ISSUED BY THE R.3. TO THE PETITIONER.**

**RESPONDENT'S EXHIBITS:**

**EXT.R5.A: COPY OF THE STATEMENT ISSUED IN FORM NO. 7 AND APPROVED BY THE SUPERINTENDENT OF SURVEY & LAND RECORDS (RE-SURVEY).**

**EXT.R5.B: COPY OF THE COMPLAINT FILED BY THE PETITIONERS 1, 3 AND 4 BEFORE THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM DTD. 18/07/2002.**

**EXT.R5.C: COPY OF THE LETTER NO. L-1/12070/03 DTD. 12/04/2004.**

**//TRUE COPY//**

**prv.**

**THOTTATHIL B. RADHAKRISHNAN, J.**

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**WP(C).No.36116 OF 2004-Y**

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Dated this the 30th day of March, 2007.

**JUDGMENT**

Heard.

2. Ext.P4 contains a direction by the District Collector to the Revenue Divisional Officer to register a suo motu appeal under the TR Rules. This writ petition has been admitted because TR Rules do not provide for a suo motu appeal by the RDO. As a consequence, Exts.P4 and P6 stand stayed with the clarification that the District Collector would be well within authority to take suo motu revision.

3. The complaint of contesting respondents 5 to 8 is that under the cover of the interim order obtained from this Court, the writ petitioner is continuing with certain construction activities.

4. In the aforesaid circumstances, Exts.P4 and P6 are quashed for lack of authority. The District Collector, Thiruvananthapuram shall take suo motu revision in relation to the file referred to in Ext.P4 and decide the matter after hearing the necessary parties, accordingly. Until such a decision is taken, there shall be no construction activity in the property in question.

The writ petition is disposed of in the above terms.

**THOTTATHIL B. RADHAKRISHNAN,**
**JUDGE.**

**Sha/-**